

REMARKS:**ELECTION RESTRICTIONS**

Applicant has elected the species of Figure 2 to which Claim 10 (generic to all species) is directed.

Since the generic parent Claim 10 is amended and patentably presented herein, allowance of the retained dependent Claims 11, 12, 14 and 18 are also properly allowable herein. The retained dependant claims are amended to conform with the antecedent terminology of Amended Claim 10.

The 35 USC 102(b) rejection of Claims 10, 11 and 12 Over Schoendelen 1,578,854**The invention**

Applicant's invention is a special purpose cutter of thick, tough tire tread strips reclaimed from abandoned carcasses, and these tire strips are explicitly referenced throughout the claims.

Tire tread strips exhibit qualities not found in fabric or metal sheets and thus require processing with different cutting and punching equipment from that shown in the prior art. The tire tread steel wire reinforced fabric is thick and tough, with steel wires extending to the strip edges after the tire tread strips are cut from the carcasses. Note that these raw tire tread strips cannot lie flat because they are vulcanized in toroidal form and thus have retained downwardly extending shoulders at opposite edges. Raw tire tread strips cut from tire carcasses with conventional equipment cannot properly cut through the extending irregular steel wire ends.

Conventional cutters cannot cut through these tough and thick raw tread strips to produce clean holes or indentations of precise shape to produce tread strips with sharp thick edges of precise width along their length having the reinforcing wires neatly cut.

Accordingly the tire tread strip raw product is not a conventional fabric or metal for which slitters, hole cutters and edge indentors of the prior art are fashioned to process.

Schoendelen 1,578,854

This reference produces a product of different shape for different purposes than applicant's claimed invention. Thin metal sheets 26, typically tin plate, are used to form circular can ends by circular punches at a first processing station providing a thin flat "raw" tin sheet with a central row of apertures from which the can lids have been cut. This is not the rectangular shaped raw tire tread strip applicant defines in the claims, which inherently is of the thick, tough, steel wire reinforced fabric vulcanized to produce bent shoulders at opposite edges that cannot lie flat for stacking.

Schoendelen's thin tin plate sheets are hand fed at table 23 of a first punching station that shapes the sheets to remove circular can lids. Thus the apertured sheets 26 must be transported while lying flat by gravity on conveyor belt 29 to the slitting station until grasped at feeding roller 47 to hold the strip on the table 45 at a second station with the single function of slitting the apertured tin plate to dispose the various portions as scrap into a waste bin. Applicant conversely produces a narrower apertureless rectangular strip portion product from the raw tire tread strip having a precise width extending between the two shorter strip ends. The Schoendelen end product is not that defined

in applicant's generic Claim 10, namely narrower rectangular shaped sheet strips of precise width extending between the shorter ends of the raw tire tread strip..

This reference neither discloses (a) how to grab and slit thick tire carcass vulcanized tread strips reinforced with steel wire, (b) a product with edges removed to produce a rectangular shaped strip of precise width extending between the two shorter ends of the raw tread strips, nor (c) a slitter station that operates in a mode that performs both slitting and other shaping operations such as to a cut indentations in the strip edges as defined in dependent claim 11.

Overcoming this rejection ground

Claims 10 to 12 are presented in amended form to overcome the rejection grounds by better defining the novel structural features of applicant's slitter that are not contemplated in nor disclosed by Schoendelen.

The Examiner's interpretation of "linear"

It has long been the practice that the interpretation of Claim language is reference to the structure set forth in the specification. To avoid any ambiguity about the transit path in Claim 10, the "linear" transit path terminology is amended to define the structure of the elements forming the grasping and shaping means as set forth in specification pages 6 and 7, for example.

Claim 10

This generic parent Claim emphasizes applicant's single work station transit-cutter with strip shaping means for grasping and cutting the edges from the raw strips to

establish a one-piece centered tread strip of precise width between the shorter ends.

Thus Claim 10 is patentably presented for reasons set forth hereinbefore so that allowance and examination on the merits of the dependent retained claims is in order and is respectfully solicited.

Claim 11

In view of the patentability of generic parent claim 10, this dependent claim is properly retained and merits an action on the merits even though it is not directed to the elected species.

There is no known prior art disclosing a slitter mechanism that at a single work station cuts and shapes raw tire tread strips cut from discarded carcasses to a tread strip of precise width from one short end to the other and to cut indentations along the strip edges for permitting the strips to lie flat and be stacked one upon another without the interfering effect of the residual vulcanized carcass shoulder portions.

Accordingly this claim defines a novel and useful combination of elements that operates at the single slitter work station to cut the tire strip sheet to a precise width and to make indentations into the edges of that strip sheet for overcoming the retained residual bias against lying flat.

Note that Schoendelen cannot anticipate Claim 11 since there is no teaching of the claimed indentation knives (Fig. 5) at the single purpose slitter work station by Schoendelen.

Accordingly Claim 11 is patentably presented and allowance is respectfully

solicited.

Claims 12 and 14

Since Schoendelen discloses only a slitter at his work station, and not two shaping devices for shaping the strips in different ways as claimed, there can be no anticipation under 35 USC 102(b).

Accordingly allowance of claims 12 and 14 is respectfully solicited.

Claim 18

The shaving of the tire tread fabric thickness, as claimed here is entirely foreign to the processing of thin tin plate sheets in Schoendelen.

Accordingly this claim cannot be anticipated by Schoendelen under 35 USC 102(b), and allowance is respectfully solicited.

The 35 USC 103(a) rejection of Claim 17

Claim 17 is cancelled to reduce issues leaving this rejection ground moot.

CONCLUSION

Applicant presents herewith for allowance retained claims 10-12, 14 and 18, and has put the case into form for immediate allowance, which is respectfully solicited.

Respectfully submitted, August 4, 2003



Laurence R. Brown, Counsel of Record